

Canby Planning Commission
Regular Meeting
April 13, 1981

MEMBERS PRESENT: Chairman Kahut, Commissioners Davis, MacKenzie, Baller, Shinn, and Schrader

MEMBER ABSENT: Commissioner Custforth

OTHERS PRESENT: City Attorney R. Roger Reif, City Planner Stephan Lashbrook, Secretary Virginia Shirley, Richard Garvey, Bob Westcott, Pat Maynard, Fred Egger, Marv Dack, Richard Shuren, Gerald Grossnickle, John Arends, Joel Getts, Marlen DeHaas, Frank Kern, Hans Juhr, Ralph Bonadurer, Muriel Burford, and others

Chairman Kahut opened the meeting at 7:35 p.m.

The Minutes of the Planning Commission meeting of February 11, 1981, were approved as presented.

Item No. 1: Request for a Conditional Use Permit to construct a 2 million gallon water storage tank on property located on the north side of S. W. 13th Avenue approximately 200 feet west of South Fir Street and described as Tax Lot 7800, Section 4BD, T4S, R1E. The applicant is Canby Utility Board. City Planner Stephan Lashbrook made his staff report and gave a recommendation for approval subject to eight (8) conditions which he read. The City Planner was asked about safety standards for the storage tank and surrounding property. He stated that it would be handled by the Building Inspector based upon the design requirements of the Building Code. Pat Maynard, representing the Canby Utility Board, gave the Planning Commission additional information regarding the reasons and need for this structure on the south side of the city: additional needed fire protection, and better water pressure. The storage tank should be completed by February of 1982. There being no further proponents the Chairman called for opponents. Mr. Richard Shuren, 420 S. W. 13th Avenue, asked what the height of the tank would be at completion. Pat Maynard explained that the wall height would be 24 feet and at the center of the domed roof it would be 33 or 34 feet in height. The diameter of the tank will be approximately 120 feet. Mr. Shuren asked what color the tank would be painted. Since no specific color has been chosen, the Commission stated that that will be left to the discretion of the City Planner. There being no further opponents, the Chairman closed the public hearing. The Planning Commission held a discussion regarding the fencing, paint color for the southside of the tank, and landscaping to enhance the appearance. Pat Maynard stated they would like to place barbed wire on the top of the cyclone fencing they will be constructing around the property. City Planner Lashbrook stated he would do some research to find out if this would be possible, noting the City's regulations on fences. The Utility Board is to provide a dust-free surface on the driveway. *Commissioner Baller moved to approve the Conditional Use Permit request by the Canby Utility Board to build a water storage tank on property described as T/L 7800, Section 4BD, T4S, R1E, noting that this application is consistent with the comprehensive plan and the objectives of the zoning ordinance; the location, size, design and operation characteristics will have minimal adverse impact on the livability, value and development of the abutting properties; the location and design of the site and structures will be as attractive as the nature of the use and its setting warrants; the proposal will preserve assets of particular interest to the community; and the applicant has a bona fide intent and capability to develop and use the land as proposed. This approval is to be subject to the following conditions: 1) A sidewalk is to be

provided across the south side of the property meeting the requirements of the City Engineer; 2) The fire hydrant located within the sidewalk at the southwest corner of the property is to be moved to inside the sidewalk and the hole patched. Property is to be fenced on all four (4) sides and a sight-obscuring fence to be constructed along the north, east, and west sides of the property. Height of the fence to be decided by the Public Works Department; 4) The reservoir structure is to be set back a minimum of 50 feet from the north and west property lines, thereby assuring adequate solar access for those adjoining properties; 5) The northern one-half of the site is to be landscaped with shrubs and deciduous trees in such a way as to partially screen the structure from direct vision by each adjoining residence. Complete landscaping plan is to be subject to review by the City Planner prior to construction and landscaping inspected prior to the final building inspection of the structure; 6) Exterior color of the structures is to be determined by the City Planner after consultation with property owners in the area; 7) Utility easement to be provided to the satisfaction of Canby Telephone Association; and, 8) The access road is to be of a dust-free surface. The motion was seconded by Commissioner MacKenzie and passed unanimously.

Item No. 2: A request for annexation of 16.59 acres located on the south side of S. W. 13th Avenue directly south of S. Elm Street. This property is described as Tax Lots 400, 500, and 600, Section 4C, T4S, R1E. The applicant is Estate Eight Development Company. City Planner Lashbrook gave his presentation and made a recommendation for approval of this request. Commissioner Davis asked if the requirement to show a "public need" no longer existed. The City Planner stated that a court case in Portland found that unless it was stated in an ordinance it could no longer be used as part of the criteria. In Canby's case, however, both the Comprehensive Plan and the Statewide Planning Goals require consideration of public need. Commissioner Baller expressed his opposition to the 40 foot strip along the west side of this property which separates the property from the present city limits. Marlin DeHaas, representing Estate Eight Development Company, stated they would be willing to include the 40 foot strip in their proposal for annexation. Mr. DeHaas further stated that there is a need for additional buildable land within the city limits of Canby, that with the work being done on the water supply and the storage tank for the city along with the new electrical feeder line coming in the fall, that the utilities were in good shape for this property to develop. Also, the sanitary sewer lift station at S. W. 6th Avenue and S. Elm Street has been removed in favor of a gravity flow line, so the sanitary sewer question was no longer a problem. He explained the standards and criteria which are part of the file to the Commission. He also explained his feeling that the application was in compliance with the Statewide Planning Goals. City Attorney Reif asked what the city position would be if L.C.D.C. refused to approve the Urban Growth Boundary. Mr. DeHaas expressed the feeling that this would be studied by the Metropolitan Boundary Commission. He didn't know of any city that has stopped annexing because their plan had not been approved. Chairman Kahut called for proponents and none came forth. The Chairman then asked if there were any opponents in the audience. Mr. Shuren, 420 S. W. 13th Avenue, expressed the feeling that there needs to be a fill-in on the property within the city limits on the south side of town at the present time. Stated further that there is a minimum of 14 empty lots close to him and

many empty new houses in the area. Mr. DeHaas stated the City has a need for a housing inventory. There being no further opponents, the Chairman closed the public hearing. Commissioner Baller expressed an interest in finding out how many acres of buildable land exists within the present city limits. He further stated that it was his feeling that any annexation was premature, since the utility updating had not been completed. Commissioner MacKenzie expressed the opinion that we are presently at the point of deciding if there is a need to annex additional land for some future development. Chairman Kahut stated that we should not wait for all property to be used prior to annexation of additional property. Commissioner Davis expressed concern of the use of the Urban Growth Boundary map which shows a priority "A" section as a basis for annexation, feeling they should use other criteria. Further discussion on all of these points continued. *Commissioner MacKenzie moved to recommend approval of the annexation request by Estate Eight Development Company to the City Council as the request does conform with the new Comprehensive Plan, there are no conflicts with the Statewide Planning Goals, the reasons given for denial of their previous application have been corrected by the City of Canby and the Canby Utility Board. The motion was seconded by Commissioner Schrader. Commissioner Davis expressed the feeling that the new procedure doesn't allow much chance to analyze and study this annexation request. Would have had a better feeling if reasons for annexation had been better. Commissioner Baller stated that he would like to see the application tabled until the next meeting in order to get more information regarding the 40 foot strip between this property and the city limits. The question was called for and the Chairman asked for a roll-call vote. Commissioner Baller - Yea; Commissioner MacKenzie - Yea; Commissioner Davis - Yea; Commissioner Shinn - Yea; and Commissioner Schrader - Yea. Motion carried 4 to 1.

Item No. 3: A request for a Planned Unit Development (PUD) Subdivision to be known as "Canby West" and a variance from parking requirement spaces on property located south of Knights Bridge Road approximately 100 feet east of N. Dahlia Court and north of Eccles School. This property is described as part of Tax Lots 3100 and 2900, Section 33CB, T3S, R1E, and consists of approximately 2.26 acres. The applicant is Canby West Apartments, Oreg. Ltd., represented by James Nims and Ralph Bonadurer and John Arends. City Planner Lashbrook went through the staff report stating the requirements for approval and all conditions of approval for a variance and PUD subdivision. Mr. John Arends, representing Canby West, agreed with the staff recommendation. He showed the parking for the condominiums and also the covered carports. Commissioner Baller felt the parking should be closer to the units. The architect, Ralph Bonadurer, informed the Commission that the project had been designed in the present manner to enable people living there to walk to several places without any congestion. Mr. Bonadurer expressed the feeling that the housing should present a park area and not a downtown area. It is the developers intent to make this more of a resort area rather than a housing development. Mr. Arends stated that this is actually two projects and that the eight condominium units are being designed for the elderly. Chairman Kahut asked the size of the owner units. Mr. Arends stated they would be slightly larger than the rental units. Commissioner Davis asked if the zero lot line units would be owned by elderly and handicapped. Mr. Arends stated it was the developer's intent to sell these units to the elderly and handicapped. Hans Juhr, developer, explained that Farm Home wants to develop some good zero lot line units which will be available for sale. If this project "flies" there will be more of the units built around the country. Chairman Kahut asked for any proponents to the applications. None came forth. The Chairman then asked for opponents and none came forth. The public hearing was closed.

Discussion followed regarding the number of units (29) and whether it meets the density requirements of the City Ordinance. The Commission was assured that the number of units was within the allowable density for the zoning of the area. Mrs. Muriel Burford expressed her concern about losing her privacy and also her view of Mt. Hood. It was noted that the applicant has changed the design, moving the two-story building and replacing it with a single story building in order not to make any unnecessary hardship for Mrs. Burford. Chairman Kahut asked the City Planner how much of her view would be lost. After making some notes, the City Planner stated that although her house was approximately 40 feet from her east property line, much of her view would be lost as a result of the project. The discussion turned to recreation for the people within the project. Hans Juhr stated that this project will be coordinated with the existing project, for recreational purposes. Commissioner Schrader asked if there were sufficient handicapped ramps shown. The City Planner felt there was a sufficient number. Commissioner Baller felt that a crosswalk and caution signal were needed on Knights Bridge Road. The City Planner explained that there are no sidewalks on the north side of Knights Bridge Road, so this would not be a convenience to the senior citizens. *Commissioner Davis moved to approve the request for a variance from 64 parking spaces to 41 parking spaces as there are exceptional and extraordinary conditions that do apply to this property that do not apply generally to other properties in the same zone or vicinity; the variance is necessary for the preservation of a property right of the applicant; the authorization of the variance shall not be materially detrimental to the purposes of this ordinance; the variance requested is the minimum variance from the provisions and standards of this ordinance which will alleviate the hardship; and the unique conditions which necessitate the issuance of this variance were not caused by the applicant. This approval to be subject to the following conditions: 1) Approval of the variance is to remain in effect for this design only. Any significant alteration of the project design will be regarded as an automatic revocation of the variance; 2) All parking spaces and the overall design of the parking areas are to meet the requirements of the City zoning regulations; and, 3) Parking spaces along the north side of the access drive (numbered 1 thru 7) are to be expanded to include an eighth space. The motion was seconded by Commissioner Baller and passed unanimously. *Commissioner Davis moved to approve the Planned Unit Development to be known as "Canby West" as the design of this subdivision is appropriate, in view of the existing development patterns of the surrounding neighborhood; the use of the Planned Unit Development procedures will result in a better development; the proposal conforms with the Comprehensive Plan; and the proposal conforms with the City's Zoning and Subdivision Ordinances. This approval to be subject to the following conditions: 1) Approval of the overall project is contingent upon the final approval of the pending zone change to R-2/PUD which is due to take effect in June. The final plat of the project will not be accepted for review and recordation until the final plat has been finalized. 2) An easement is to be provided for each of units having common wall construction (Lots 1 thru 8) for a corresponding parking space along the north side of the access drive. 3) All fences and landscaping screens are to be provided as indicated on the approved site plan. 4) Landscaping

and unit design is to conform with that of the existing Canby Village Apartments. 5) Agreements with renters of those units along the southern boundary (adjoining Centennial Field) are to include a notification that the inhabitants of those units may be subject to occasional disturbance resulting from athletic events on the adjacent property. (Although this is not regarded as a major problem, the staff feels that such advance warning for renters may help to avert future complaints.) 6) Utilities serving lots #1 thru #8 are to be separated on a unit-by-unit basis to the satisfaction of the Canby Telephone Association, Canby Utility Board, and City Public Works Director. 7) The existing emergency access easement connecting the Canby Village apartments with Knights Bridge Road is to be vacated. 8) Access road through the proposed development is to connect with an extension of the existing road through the Canby Village Apartments for emergency response. Casual, non-emergency use of the road is to be prevented through the use of a drive-through gate or low shrubbery. The specific system used to effectuate this requirement is to be subject to the review of the Fire Marshal. 9) "Not a through street" and "private drive" signs are to be provided at the entrance to the development and the driveway serving lots #1 thru #8. A "stop" sign is to be installed at the intersection of Douglas Lane and Knights Bridge Road. "No parking" signs to be provided in all areas not specifically intended for parking. 10) All building setbacks to meet City zoning requirements, other than for Lots #1 thru #8. 11) Water line and hydrant specifications to meet the requirements of the Fire Marshal and Utility Board Manager. 12) All sanitary sewer line and on-site drainage plans to meet the requirements of the City Engineer. 13) Applicants to bear full responsibility for compliance with any County or State regulations governing the platting of the property, including, if applicable, condominium regulations. 14) Sidewalks are to be provided across the full frontage of lots #10 and #12, meeting the requirements of the City Engineer. 15) Mail boxes for Lots #1 thru #8 are to be provided near the entrance to the driveway for those units. Mailbox locations are to meet the requirements of the local Postmaster. 16) Developers are to provide a site plan at the entrance of the development showing the locations of individual units and giving the number of each. This same site plan to be provided to the Canby Fire Department, Canby Police Department, Canby Utility Board, Canby Post Office, Canby Telephone Association, and Canby Public Works Department. 17) Developers are to provide the same type of site plan for Canby Village Apartments at the entrance on N. W. Sixth Avenue and also to the above named agencies. 18) Easements are to be provided to the satisfaction of the Canby Utility Board, Canby Telephone Association, and City Engineer. 19) The fire truck mall is to meet the requirements of the Fire Marshal. The motion was seconded by Commissioner Baller and passed unanimously.

Item No. 4: Final Plat of "Crites Addition": City Planner Lashbrook stated the final plat needed the following changes: 1) The easements should be 6 foot and 12 foot rather than the 5 foot and 10 foot shown; 2) A street plug will be required at the end of N. Knott Street; and, 3) The area of Lot 4 does not meet the minimum requirement of 7,000 square feet, which will call for one line being redrawn on the plat.

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Item No. 5: Final Plat of "Arnold's Fairway Crest": City Planner Lashbrook stated the final plat needed to meet the following requirements: 1) Dedication of an additional ten (10) feet of property along N. E. Territorial Road for right-of-way purposes. 2) The easements should be 6 feet and 12 feet rather than the 5 feet and 10 feet shown. 3) A street plug will be needed at the east end of N. E. 17th Avenue. 4) Approval signature for City Engineer is required by the City Subdivision Ordinance. 5) A sepa of the approved final plat is to be delivered to the Public Works Department.

Commissioner MacKenzie moved to authorize the Chairman's signature as soon as the corrections have been made on the plats. The motion was seconded by Commissioner Baller and passed unanimously.

The meeting was adjourned at 10:55 p.m.

This meeting has been recorded on tape.

Respectfully submitted,


Virginia J. Shirley, Secretary
Canby Planning Commission